



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**

(Implements RCW 34.05.310)

Do NOT use for expedited rule making

**Agency:** Department of Ecology AO # 05-16

**Subject of possible rule making:**

*Chapter 173-98 WAC, "Uses and Limitations of the Water Pollution Control Revolving Fund," and Chapter 173-95A WAC, Uses and Limitations of the Centennial Clean Water Fund*

**Statutes authorizing the agency to adopt rules on this subject:**

*Chapter 90.50A RCW, Water Pollution Control Facilities - Federal Capitalization Grants*

**Reasons why rules on this subject may be needed and what they might accomplish:**

The foundation for these funding programs is provided by statute, but the framework for the programs is provided by rule. The rule also provides consistency and predictability for local governments and tribes. Chapters 173.95A WAC for the Centennial Clean Water Program (Centennial) and 173.98 WAC for the State Revolving Fund (SRF) were last updated five years ago. One of the primary drivers then and now is to enhance Ecology's nationally recognized integrated funding approach for the Centennial, SRF, and federal Section 319 funding programs.

The water pollution control needs of Washington State communities, which the funding programs serve, have changed and evolved as new initiatives and priorities have been identified. Ecology's Water Quality Program staff and the Financial Assistance Council, which represents clients and stakeholders, identified areas in which the rule should be clarified or updated.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:**

The Environmental Protection Agency (EPA) has a role in regulation of the SRF program and will be closely involved in the amendment process. No other state or federal agencies regulate this subject but many have an interest in the issues and will be consulted with, coordinated with, and communicated with during the entire rulemaking process.

**Process for developing new rule (check all that apply):**

- ☐ Negotiated rule making  
☐ Pilot rule making  
☐ Agency study  
☒ Other (describe) Public meetings, mailings, hearings, close work with the Water Quality Program Financial Assistance Council, which represents a wide range of stakeholders.

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:** (List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Work will be accomplished early through the meetings of the Financial Advisory Council (FAC) and a series of initial workshops will held statewide the second and third weeks in October 2005. The FAC will continue their work through the entire development process, and at the appropriate times, Ecology will hold public hearings. Information contacts:

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**DATE**  
Sept. 16, 2005

**NAME (TYPE OR PRINT)**  
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**SIGNATURE**  
David C. Peeler

**TITLE**  
David C. Peeler, Water Quality Program Manager

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